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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,117	10/30/2001	David D. Faraldo II	05220.P002X	7950
7590	05/05/2005			EXAMINER TAYLOR, NICHOLAS R
Andre M. Gibbs BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			ART UNIT 2141	PAPER NUMBER
DATE MAILED: 05/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/016,117	FARALDO, DAVID D.
	Examiner Nicholas R. Taylor	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 March 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/07/2005</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-29 have been presented for examination and are rejected.

### *Response to Arguments*

2. Applicant's arguments filed 3/7/2005 have been fully considered but they are deemed not persuasive.

3. In the remarks, applicant argued in substance that:

(A) Prior art of Royce does not teach an advanced notification rule, and furthermore does not teach preempting a standard notification rule.

As to point (A), Royce teaches an escalation check process that checks global variable GLV1 to see if an advanced notification rule is due based on the escalation time versus the current timestamp (Royce, column 11, lines 63-67.) When this advanced notification is due, an escalation list is checked for the appropriate action (Royce, column 12, lines 6-7.) This advanced notification effectively preempts the standard notification rule with the advanced notification rule retrieved from the "escalation list."

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Royce et al. (US Patent 5,748,884.)

6. As per claims 1, 9, 17, and 25, Royce teaches a method comprising:

enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and (column 3, lines 38-52; column 8, lines 18-39)

enabling an advanced notification rule to preempt the standard notification upon the occurrence (column 11, line 30 to column 12, line 25, wherein an advanced notification takes precedence after escalation.)

7. As per claims 2, 10, 18, and 26, Royce teaches the system further comprising: generating a second notification to a second person in the hierarchy (column 12, lines 1-9.)

8. As per claims 3, 11, 19, and 27, Royce teaches the system further comprising: generating the first notification to the first person in the hierarchy; and (column 3, lines 38-52)

generating the second notification to a second person in the hierarchy (column 12, lines 1-9.)

9. As per claims 4, 12, 20, and 28, Royce teaches the system further comprising: suspending the generating of the first notification (column 11, line 62 to column 12, line 25, specifically the Escalation Check.)

10. As per claims 5, 13, 21, and 29, Royce teaches the system further comprising: generating the first notification to the first person in the hierarchy; and (column 3, lines 38-52) acknowledging the first notification (column 12, lines 10-14, and figure 7A item 720.)

11. As per claims 6, 14, and 22, Royce teaches the system further wherein the advanced notification rule includes a scope (column 12, lines 31-39.)

12. As per claims 7, 15, and 23, Royce teaches the system further where the scope of the advanced notification rule configured by at least one of the group consisting of a company, a satellite, a host assigned to a company, a service configured on a host for a company, a check type, a host state, a service state, a contact group, and a message pattern (column 12, lines 31-39, specifically the event code that is configured.)

13. As per claims 8, 16, and 24, Royce teaches the system further where the advanced notification rule is enabled for a temporary amount of time (column 11, lines 63-67.)

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor  
Examiner  
Art Unit 2141



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER